

**SHARON SELECTBOARD
REGULAR MEETING
Minutes (Final)
Monday, June 17, 2019**

Board Members Attending: Joe Ronan, Kevin Gish, Mary Gavin
Staff Present: Margy Becker, Deb Jones, Frank Rogers
Town Officials Present: Ira Clark & Sue Sellew (Planning Commission), Ryan Haac
(Energy Committee)
Members of the public: Martha Staksus, VP Development and Kevin Davis, VP Sales,
(Norwich Technologies); Steve Raymond, Susan Root, Bill
Kitchel, Jodi Harrington, Ashley Denk

Joe Ronan called the meeting to order at 6:30PM.

Public Comments: There were none.

Review/Approve Agenda:

Mary Gavin made the motion to approve the agenda. Kevin Gish seconded. The motion carried.

Selectboard Member Reports:

Mary Gavin reported on a new beaver issue she was made aware of over the weekend. Sean O'Leary owns property on Crescent Lake off Downer Road which includes a dam. Beavers are plugging the outlet. Mary reports she has been in touch with Tyler Brown the VT DEC beaver technician, who indicates it is the landowner's responsibility to manage the beavers. She has put Mr. O'Leary in touch with Tyler Brown and has provided contact information for Skip Lisle, who installs beaver deceivers.

Joe Ronan reported briefly on Windsor County Sheriff's follow-up to complaints of the ATV rider from the Fay Brook Road apartments. He is being prosecuted on various charges.

Approval of Minutes:

A motion was made by Mary Gavin to approve the minutes of the June 3, 2019 regular meeting without changes. Kevin Gish seconded. The motion carried unanimously.

Approval of Warrants:

Check and payroll warrants were approved.

Road Foreman Reports:

Frank Rogers briefly reported the crew is mowing along Beaver Meadow Road, and it is busy cleaning culverts and ditches. The Howe Hill stormwater ditching project is complete. The beavers had visited the new 4-foot culvert on Downer Road and appear to be trying to block it. The crew is monitoring the situation. Grading will occur between rainstorms.

Chloride Agreement:

Joe Ronan reported Innovative Solutions is unwilling to revise its contract form to address the Town's concerns regarding penalties for over or under-consuming chloride. Frank Rogers indicates there are approximately 3,500 gallons available now on-site at the garage. There are few options available to the Town for procurement of chloride. Frank Rogers further reported many towns do business with Innovative Solutions. Innovative repairs the equipment it provides to towns during the lease/rental period. **Kevin Gish made the motion, which Mary Gavin seconded, that the Town sign the three-year agreement with Innovative Solutions for purchase of \$14,000 gallons at 94 cents per gallon. The motion carried 3-0-0.**

SFY20 Grants-in-Aid funds:

Selectmen signed the SFY20 Letters of Intent for stormwater BMP's on Quimby Mountain Road and for purchase of a jumping-jack compactor. These LOI's will be transmitted to Northwest Vermont RPC, which coordinates the grants-in-aid funds.

Crack Sealing:

Margy Becker stated the RFP for crack sealing is out and bids are due July 3rd. Frank Rogers stated his intent is to crack seal Rte. 132, then Beaver Meadow Road, then River Road. The FY20 budget is \$12,000.

VTRANS Structures Grant:

Margy Becker announced VTrans District 4 has indicated the Town will receive a structures grant to 'upsized' a cement culvert on Quimby Mountain Road. The culvert is located below Morrill Hill Road and above Don Lawrence's house (#492). The grant agreement is forthcoming. Construction may not occur until next spring or summer (2020).

Howe Hill Paving:

Bonding: Deb Jones advised Selectmen the Vermont Bond Bank requires the Board approve the 'Declaration of Official Intent to Reimburse Expenditures from Proceeds of Indebtedness', which states the Town's intent to incur debt in order to finance capital improvements to highways. The Town will be required to hold a special town meeting to vote on the proposed bond in the amount of \$1,000,000 to finance design, permitting, engineering, financing, and construction costs associated with paving Howe Hill and other roads as-needed. **Mary Gavin made the motion to approve the Declaration of Official Intent as prepared by bond counsel. Kevin Gish seconded. The motion carried unanimously.**

In subsequent discussions Selectmen agreed to contact Emily Grube to schedule another meeting with the Pomfret Selectboard. If a letter to legislators is needed, a letter can be reviewed and drafted during that meeting.

Patching: in later discussions Selectmen directed Frank Rogers to take measurements for areas on all paved roads to be considered for patching or ‘drag shim’ prior to winter. This will include the two areas on Howe Hill where culverts were recently replaced.

Conflict of Interest Policy:

Margy Becker confirmed the Town had adopted a conflict of interest policy as an ordinance in 2005, which became effective Jan. 1, 2006. Selectmen agreed to consider possible future revisions in light of a new VLCT model policy.

The Board agreed to revisit its Selectboard Rules of Procedure which is a code of conduct.

Generator Fuel Supplies:

Motion by Mary Gavin to accept Suburban Propane’s estimate of \$530 to exchange above ground tanks and to install a 1,000 gallon UST next to the Town Offices. The motion was seconded. The motion carried unanimously. The UST will fuel the heating system at the Town Offices and the new 20kW generator.

VCRD 4-town Planning Initiative:

Kevin Gish, who is a member of the steering committee, reports volunteers are still welcome to join ongoing discussions and planning work occurring in subcommittees. Chair persons have been assigned to all subcommittees.

No nomination was made for a town volunteer to attend the VCRD Community Leadership summit in August. The Selectboard is open to self-nominations. Ryan Haac, Chair of Sharon’s Energy Committee, attended the summit last year.

FY20 Pay Table:

Motion by Mary Gavin that the Selectboard accept and sign the FY20 pay table as presented. Kevin Gish seconded. The motion carried unanimously.

Sharon Elementary School – Inspection by Red Cross

Margy Becker announced the Red Cross would like to re-inspect the Sharon Elementary School, which is listed as a Red Cross shelter. She has been consulting with the Red Cross in order to complete the Town’s annual local emergency management plan. Interested volunteers and emergency response personnel are welcome to join the site visit at 2:30PM Tuesday, June 25th.

School Parking Lot Paving:

Mary Gavin announced she attended a recent school board meeting and learned the District is working with Jon Harrington regarding paving of the Sharon Elementary School parking lot this summer. She encouraged the School Board to consider appointment of a school district treasurer.

Meeting with Norwich Technologies:

Proposed 500kW Net-Metered Array - Raymond Road site: Representatives from Norwich Technologies (“NT”) reiterated NT’s plan to submit an application to the VT Public Utility Commission (“PUC”) for its Certificate of Public Good for this project before July 1. NT has asked the Town to issue a ‘preferred site letter’ pursuant to PUC Rule 5.100. The letter is a critical component of NT’s application for its CPG.

Martha Staksus reports that the recent wetland survey will result in a smaller footprint of the proposed array. NT must honor a 50-foot buffer to each wetland. Wetlands were found along the northern, eastern, and southern boundaries of the property.

Bill Kitchel inquired how NT goes about identifying suitable sites for its proposed solar arrays. He noted that a portion of the existing array on Rte. 132 is shaded, and it appears that NT is not spending enough time considering ‘optimal gain’ during its siting processes.

Martha Staksus reported NT has brought on new staff to address deficiencies in its siting process. Kevin Davis stated NT is now looking for more productive and accessible sites.

Martha Staksus explained in detail the PUC application review process, which includes avenues for public participation as ‘interested parties’. The 45-day notice of application period has helped NT prepare a better application to the PUC. She expressed appreciation for comments from abutters received to-date.

Susan Root drew attention to NT’s track record with the existing array at 2197 Rte. 132, stating concerns that NT has yet to produce a letter of credit for decommissioning as required in Memorandum of Understanding with the Town (“MOU”). She inquired as to the term of the MOU. Kevin Davis stated 25 years.

Joe Ronan noted Selectboard discussions with NT concerning the letter of credit have been ongoing. A substitute document such as a mortgage-like instrument had just been agreed to. But the Town’s attorneys have problems with this option. He agrees two years has been long enough for NT to fulfil its obligations to the Town as set forth in the MOU. He is looking for a binding commitment.

Susan Root spoke in favor of resolving the letter of credit issue before the Town endorses NT’s new application. She noted the lack of a letter of credit exposes taxpayers to a liability that could be avoided, and she objects to this exposure. She urged the Selectboard and Planning Commission refrain from issuing a ‘preferred site letter’ at this time.

Kevin Davis said NT did present the mortgage document to the Selectboard at its request. NT would also consider establishing a decommissioning fund as an alternative.

Bill Kitchel inquired as to the Planning Commission's position. Ira Clark indicated the Planning Commission is torn about the issuance of a 'preferred site letter', and it was hoping to have a broader discussion with the Selectboard. Commissioners see the benefit of 3-phase power, they are generally okay with the site, but they are concerned the Town is not finished with enhanced energy planning. Commissioners feel Norwich Technologies' request for the 'preferred site letter' is somewhat premature, but they also recognize the Town's commitment to renewable energy facilities.

Bill Kitchel stated the Town is well on its way to achieving targets for renewable energy facilities and therefore the Town should not rush to issue the 'preferred site letter'.

Mary Gavin asked Ryan Haac and Ira Clark to outline the schedule for completion of enhanced energy planning. Ryan Haac indicated the Energy Committee has redrafted the Energy Chapter for the Town Plan. The Energy Committee still needs to meet with Planning Commissioners to review maps for preferred sites. Ryan and Ira estimated the process could be completed in the next 6 to 12 months – inclusive of Town Plan revision process.

Ira Clark inquired about the use of pesticides for vegetative management. Martha Staksus reported NT has a commitment to pesticide-free management of vegetation. This site also is considered prime agricultural land, and NT must comply with strict considerations for use of equipment during construction and decommissioning. No grading and scraping of soils will be allowed.

Ashley Denk stated concerns about potential health impacts from electro-magnetic radiation. Martha Staksus stated she is unaware of any studies completed on this subject with regards to solar installations. She described the wiring to and from the inverters that are installed underneath panels. There are cooler fans inside the inverters which run at 24 decibels during day light. Martha stated this is quieter than her dishwasher. Ryan Haac suggested the cooler fans would not be heard at the property line.

Steve Raymond, abutter, stated he does not like the change proposed for this parcel of prime agricultural land, however he can live with the change. He understands the need for solar facilities but requests the site be screened with vegetation. He stated he is not concerned about noise levels from the solar array. He indicated the 3-phase power lines would emit more noise.

Joe Ronan asked the public if there are other objections to issuance of a 'preferred site letter' apart from the missing letter of credit to decommission the existing array.

Susan Root stated an additional concern that issuance of a 'preferred site letter' will change the character of the town without public input. The site will be in violation of the Town Plan. She said the Town Plan should be upheld. The Town Plan identifies protection of prime agricultural land as a goal. She encouraged the Town to finish enhanced energy planning and revisions to the

Town Plan. The Town Plan revision process will allow for public input on proposed sites for renewable energy facilities.

Mary Gavin asked NT representatives if they had considered other sites in Sharon and the answer was no. Martha Staksus noted the parcel is for sale. A residential dwelling could be built there that would permanently alter the character of the parcel. A solar array would have less impact and is, in essence, a conservation tool.

Jodi Harrington, abutter, stated concerns regarding future property values should the new array be constructed. Others expressed the opinion there is not enough data that correlates decreased property values due to proximity to solar arrays.

Joe Ronan called the question. Sue Sellew, Planning Commissioner, stated her opposition to issuance of the 'preferred site letter', citing the need to complete the enhanced energy planning process inclusive of mapping preferred sites. Joe Ronan concurred. Mary Gavin concurred. Mary Gavin further stated she wanted the letter of credit issue resolved within the next 30 days. She stated the 45 days' notice of application is insufficient for towns.

Mary Gavin made the motion that based on input from the community regarding Norwich Technologies' lack of compliance with provisions of the MOU regarding the solar array at #2197 Rte. 132, and due to the lack of completion of enhanced energy planning process and the very compressed timeline for consideration of a 'preferred site letter', the Town will NOT issue a 'preferred site letter' at this time. Joe Ronan seconded. The motion carried 2-0-1, with Kevin Gish abstaining.

Finance Manager Reports:

Deb Jones' reviewed her **budget projections for year-end.** The general fund will finish the year close to budget, yet the highway budget will be approximately \$30,000 over budget. This is a better story than the forecast from her first projections in May, which precipitated Board action to freeze certain highway expenditures through June 30th. Deb Jones reported she has sent these projections to Jon Harrington (Horizons Engineering) along with new information on bond interest rates. The Selectboard remains committed to bringing the bond issue before the voters in late September.

Nominations for Fire Warden and Deputy Fire Warden:

Joe Ronan made the motion to nominate Dustin Potter as Fire Warden and Andrew Brackett as Deputy Fire Warden. Kevin Gish seconded. The motion carried unanimously.

Adjournment:

Mary Gavin made the motion to adjourn at 9:15 PM. Kevin Gish seconded. The motion carried.

Submitted by, Margy Becker